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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,862	08/29/2001	Katsutoshi Tajiri	31762-174983	5079
7590	04/04/2005		EXAMINER FOX, JAMAL A	
VENABLE P.O. Box 34385 Washington, DC 20043-9998			ART UNIT 2664	PAPER NUMBER

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/940,862

Applicant(s)

TAJIRI ET AL.

Examiner

Jamal A Fox

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s), filed on 29 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/940,862.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/29/01 & 11/16/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Procedures for Real Time Group 3 Facsimile Communication Over IP Networks" ITU-T, T.38, International Telecommunication Union., Series T: Terminals for Telematic Services, June 1998 in view of Rabenko et al.

Referring to claim 1, ITU-T discloses a communication connecting device connected at one end to a first terminal unit (Calling G3 Facsimile Terminal Equipment, Page 3) and connected at the other end to a second terminal unit (Called G3 Facsimile Terminal Equipment, Page 3) via an IP network (IP NETWORK, Page 3), and selectively operable with a plurality of communication standards (T.30 protocol, TCP, UDP, H.323/H.225, Page 4) adaptive to said first terminal unit, said second terminal unit and said IP network for thereby implementing real-time (real-time, Page 4 second paragraph) communication, said device comprising: a terminal unit control circuit (inherent, it is in the Emitting Gateway, Page 3 also see the message control field of the CONTROL Element, Page 15 last Paragraph and Page 17, 1st and 2nd Paragraphs) for storing data received from the first terminal unit or the second terminal unit, and controlling said first terminal unit in accordance with a first communication standard; a

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first storage size (size, page 10, 1st paragraph) information representative of a size of data to be coded; a coding/decoding circuit (inherent, this is a function of the receiving gateway, Page 3, also see Page 4, 6.2 and Page 15, C.1) for collectively coding the data in accordance with the size information read out of said first storage and the first communication standard or decoding coded data received from the second terminal unit in accordance with said first communication standard and determining whether said coded data decoded is a response to data sent from the first terminal unit or retransmitted data; a second storage (buffer, Page 12, 9.4.1) for storing, assuming a loss of the coded data output from said coding/decoding circuit, said coded data; an information adding/separating circuit (inherent, this is a function of the gateways, Page 3), an interfacing circuit for converting (converting, Page 4, 3rd paragraph) the coded data input via said information adding/separating circuit to a signal based on a command or converting a signal received from the second terminal unit to the coded data, but does not explicitly teach of the information adding/separating circuit filtering when adding a header and data for making up for the loss of the coded data assumed to the coded data in accordance with a second communication standard that relates to the IP network, said data in response to a response detection signal output from said coding/decoding circuit and representative of the response or separating coded data from data received from the second terminal unit and feeding said coded data separated to said coding/decoding circuit. However, Rabenko et al. discloses the information adding/separating circuit (Network Gateway, Fig. 15) filtering (filters, col. 9 lines 51-59 and col. 18 lines 45-61; filtering, col. 17 lines 30-48), when adding a header

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(header, col. 18 lines 45-61) and data for making up for the loss of the coded data assumed to the coded data in accordance with a second communication standard that relates to the IP network, said data in response to a response detection signal output from said coding/decoding circuit and representative of the response or separating coded data from data received from the second terminal unit and feeding said coded data separated to said coding/decoding circuit. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the information adding/separating circuit of Rabenko et al. to the invention of the ITU-T in order to aid in the delivery of the packets to the downstream processors as suggested by Rabenko et al.

Referring to claim 2, ITU-T discloses the devices in accordance with claim 1, wherein said coding/decoding circuit comprises a response decision circuit for determining whether the coded data is a response (response, Page 4, 6.2) to the data sent or retransmitted data and outputting said response detection signal in accordance with a result of a decision.

Referring to claim 3, ITU-T discloses the device in accordance with claim 1, but does not explicitly teach of the information adding/separating circuit comprising a data deleting circuit for deleting, when the response detection signal is representative of the response, the coded data written to the second storage on the assumption of the loss. However, Rabenko et al. discloses the information adding/separating circuit comprising a data deleting circuit (voice synchronizer, col. 72 lines 62-67) for deleting, when the response detection signal is representative of the response, the coded data written to

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the second storage on the assumption of the loss. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the data deleting circuit of Rabenko et al. to the invention of the ITU-T in order to promote the efficient use of the memory resource and reduce the load of the IP Network so that optimum performance can be achieved as suggested by ITU-T.

Referring to claim 4, ITU-T discloses the device in accordance with claim 2, but does not explicitly teach of the information adding/separating circuit comprising a data deleting circuit for deleting, when the response detection signal is representative of the response, the coded data written to the second storage on the assumption of the loss. However, Rabenko et al. discloses the information adding/separating circuit comprising a data deleting circuit (voice synchronizer, col. 72 lines 62-67) for deleting, when the response detection signal is representative of the response, the coded data written to the second storage on the assumption of the loss. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the data deleting circuit of Rabenko et al. to the invention of the ITU-T in order to promote the efficient use of the memory resource and reduce the load of the IP Network so that optimum performance can be achieved as suggested by ITU-T.

Referring to claim 5, ITU-T discloses the device in accordance with claim 4, wherein the first communication standard and the second communication standard respectively correspond to ITU-T Recommendation T.30 (revised in 1996) and Recommendation T.38 (June/1998), and wherein at least one of said first terminal unit

and said second terminal unit comprises a G3 (Group 3) facsimile apparatus corresponding to Recommendation T.30 (revised in 1996) (See T.30, Page 2).

Referring to claim 6, ITU-T discloses a data output control method for a communication connecting device connected at one end to a first terminal unit (Calling G3 Facsimile Terminal Equipment, Page 3) and connected at the other end to a second terminal unit (Called G3 Facsimile Terminal Equipment, Page 3) via an IP network (IP NETWORK, Page 3) and selectively operable with a plurality of communication standards (T.30 protocol, TCP, UDP, H.323/H.225, Page 4) adaptive to said first terminal unit, said second terminal unit and said IP network for thereby implementing real-time (real-time, Page 4 second paragraph) communication, said method comprising: a first step of storing (inherent, the gateways have to store in order to forward, Page 4) data received from the first terminal unit or the second terminal unit; a second step of outputting size (size, page 10, 1st paragraph) information representative of a size (sized, page 15, C.1) of data to be coded; a third step of collectively coding (encode, page 15) the data in accordance with the read out size information and a first communication standard; a fourth step of storing the coded (encode, page 15) data on the assumption of a loss of said coded data; a fifth step of separating, among data received from the second terminal unit, coded data, decoding (decode, page 4, 6.2; page 15, C.1 and C.1.1) said coded data, determining whether said coded data decoded is a response to data sent from the first terminal unit or retransmitted data, and outputting a response detection signal in accordance with a result of a decision and a seventh step of converting (converting, Page 4, 3rd paragraph) the coded data to a

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signal based on a command and outputting said signal; but does not explicitly teach of a sixth step of selectively executing, in accordance with said response detection signal, first filtering that reads out, in accordance with a second communication standard relating to the IP network, a header for the coded data and the coded data stored on the assumption of the loss of said coded data and adds said header and said coded data to newly input coded data, or second filtering that deletes the coded data currently stored. However, Rabenko et al. discloses a sixth step of selectively executing, in accordance with said response detection signal, first filtering (filters, col. 9 lines 51-59 and col. 18 lines 45-61; filtering, col. 17 lines 30-48) that reads out, in accordance with a second communication standard relating to the IP network, a header (header, col. 18 lines 45-61) for the coded data and the coded data stored on the assumption of the loss of said coded data and adds said header and said coded data to newly input coded data, or second filtering (filters, col. 9 lines 51-59 and col. 18 lines 45-61; filtering, col. 17 lines 30-48) that deletes (deletes, col. 17 lines 62-67) the coded data currently stored. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the first and second filtering of Rabenko et al. to the invention of the ITU-T in order to aid in the delivery of the packets to the downstream processors as suggested by Rabenko et al.

Referring to claim 7, ITU-T discloses the method of claim 6, but does not explicitly teach of wherein the sixth step comprises: an eighth step of reading out the coded data stored and adding coded data to newly input coded data; a ninth step of executing said second filtering for deleting the coded data currently stored; and a tenth

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step of outputting a result of either one of said eighth step and said ninth step in accordance with said response detection signal. However, Rabenko et al. discloses an eighth step of reading (read, col. 13 lines 28-37) out the coded data stored and adding coded data to newly input coded data; a ninth step of executing said second filtering (filters, col. 9 lines 51-59 and col. 18 lines 45-61; filtering, col. 17 lines 30-48) for deleting (deletes, col. 17 lines 62-67) the coded data currently stored; and a tenth step of outputting a result of either one of said eighth step and said ninth step in accordance with said response detection (detected, col. 13 lines 30-35) signal. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the eighth, ninth and tenth steps of Rabenko et al. to the invention of the ITU-T in order to promote the efficient use of the memory resource and reduce the load of the IP Network so that optimum performance can be achieved as suggested by ITU-T.

Referring to claim 8, ITU-T discloses the method in accordance with claim 7, wherein the first communication standard and the second communication standard respectively correspond to ITU-T Recommendation T.30 (revised in 1996) and Recommendation T.38 (June/1998), and wherein at least one of said first terminal unit and said second terminal unit comprises a G3 (Group 3) facsimile apparatus corresponding to Recommendation T.30 (revised in 1996) (See T.30, Page 2).

Conclusion

3. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 305-3988, (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

**4. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Jamal A. Fox whose telephone number is (571) 272-
3143. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone
numbers for the organization where this application or proceeding is assigned are (703)
872-9306 for regular communications and (703) 872-9315 for After Final
communications.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is (703) 306-
0377.

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Jamal A. Fox



WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER